



UNITED STATES DISTRICT COURT DISTRICT OF OREGON

Policy and Procedures for the Electronic Filing of Transcripts

The U.S. District Court for the District of Oregon has implemented the following policy and procedures to enable the electronic filing of transcripts in accordance with policies of the Judicial Conference, the Federal Rules of Civil and Criminal Procedure, and the provisions of the E-Government Act of 2002. Requisite forms are available for download on the Court website at: <http://ord.uscourts.gov>.

EFFECTIVE DATE

These procedures apply to all transcripts of federal courtroom proceedings held before judicial officers in the District of Oregon ordered on or after November 9, 2009, regardless of when the hearing or proceeding took place, and shall remain in effect until further order of the Court.

ELECTRONICALLY FILED TRANSCRIPTS

Certified transcripts are to be electronically filed in the CM/ECF system concurrently with, but not later than 3 working days, after delivery of the transcript to the requesting party. The transcript will be entered as a restricted access document. Staff court reporters will be given access filing privileges within CM/ECF in order to electronically file their transcripts.

Transcripts created by non-staff court reporters will be filed by presentation to the Clerk's Office of a CD-R disk that contains a PDF version of the transcript and attached to a cover document that will include the case caption and original signature of the court reporter or transcriber. The Clerk will electronically upload the transcript and cover document into CM/ECF as a restricted access document.

Pursuant to Federal Rules of Appellate Procedure 10(b), transcripts ordered for cases on appeal are to be filed within 30 days (unless otherwise extended by order of the Court) from the order (and completed payment arrangements) for the transcript. Upon request, the District Court Clerk's Office will forward a copy of a previously filed transcript to the U.S. Court of Appeals.

90 DAY REDACTION PERIOD

The electronically filed certified transcript is to have restricted remote electronic access for a period of 90 days from its filing date to allow the parties time to review it and make redaction requests, *regardless of whether that party has ordered and/or paid for the transcript.*

REMOTE ELECTRONIC ACCESS TO THE ELECTRONICALLY FILED TRANSCRIPT

During the 90 day redaction period, remote electronic access to the transcript will be restricted to Court staff and the attorneys or parties of record who purchased the transcript. The transcript will be available to review via the public terminals at the courthouse intake counters.

COPY RESTRICTION

Requests for a copy of a transcript during its 90 day redaction period are to be forwarded to the court reporter or transcriber. Unless otherwise ordered by the Court, the Clerk's Office is prohibited from making copies of the transcript for purchase during the 90 day period.

RESPONSIBILITY TO REQUEST REDACTION OF THE TRANSCRIPT

The responsibility for requesting redaction of personal data identifiers or other sensitive information rests solely with the counsel of record and the parties. It is not the responsibility of the Court, the Clerk's Office, the court reporter or the transcriber to review transcripts for compliance with this policy. The following individuals are required to review the transcript for personal data that should be redacted, *regardless of who has ordered and/or paid for the transcript*:

- Attorneys of record;
- "Standby counsel" assisting a *pro se* defendant; and
- Unrepresented parties.

If an attorney represents a client pursuant to the Criminal Justice Act (CJA), including serving as standby counsel, the attorney conducting the review of the transcript is entitled to compensation under the CJA for functions reasonably performed to fulfill the obligation and for reimbursement of related reasonable expenses.

PARTS OF THE TRANSCRIPT THAT MUST BE REVIEWED

Unless otherwise ordered by the Court, counsel of record and the parties must review the following portions of the transcript:

- Opening and closing statements made on the party's behalf;
- Statements of the party;
- The testimony of any witnesses called by the party; and
- Any other portion of the transcript as ordered by the court.

NOTICE OF INTENT TO REDACT

The attorney/party seeking to redact information pursuant to Fed. R. Civ. P. 5.2 (names of minors, social security numbers, dates of birth, financial account numbers), Fed. R. Crim. P. 49.1 (names of minors, social security numbers, dates of birth, financial account numbers, home address information), or other information contained in the transcript, must file with the Court a "Notice of Intent to Redact" within 7 calendar days of the filing of the official court transcript. The Notice of Intent to Redact must also be served on the court reporter or transcriber by the attorney/party, evidenced by a Certificate of Service to be filed with the Court.

Following the filing of a Notice of Intent to Redact, remote electronic access to an un-redacted transcript shall remain restricted, unless or until the Notice of Intent to Redact is Withdrawn, or upon other order of the Court.

STATEMENT OF REDACTION

Following the filing of a Notice of Intent to Redact, within 21 calendar days from the filing of the transcript, the attorney/party seeking to redact information pursuant to Fed. R. Civ. P. 5.2 or Fed. R. Crim. P. 49.1 must file a "Statement of Redaction" which provides the document number of the transcript, the page and line numbers for the information to be redacted, and the requested redaction language as follows:

Fed. R. Civ. P. 5.2 - Civil Cases

Social security numbers to the last four digits
Financial account numbers to the last four digits
Dates of birth to the year
Names of minor children to the initials

Fed. R. Crim. P. 49.1 - Criminal Cases

Social security numbers to the last four digits
Financial account numbers to the last four digits
Dates of birth to the year
Names of minor children to the initials
Home addresses of individuals to city and state

This publicly filed document should not contain un-redacted personal data identifiers. The Statement of Redaction must also be served on the court reporter or transcriber by the attorney/party, evidenced by a Certificate of Service to be filed with the Court.

FILING OF A REDACTED TRANSCRIPT FOLLOWING A STATEMENT OF REDACTION

Upon the receipt of service of a Statement of Redaction, and without further order of the Court, a redacted transcript is to be filed by the court reporter or transcriber within 31 calendar days, or longer if so ordered by the Court, from the filing of the original transcript. Staff court reporters will be given access filing privileges within CM/ECF in order to electronically file their redacted transcripts. Redacted transcripts created by non-staff court reporters will be filed by presentation to the Clerk's Office of a CD-R disk that contains a PDF version of the redacted transcript and attached to a cover document that will include the case caption and original signature of the court reporter or transcriber. The Clerk will electronically upload the redacted transcript and cover document into CM/ECF as a restricted access document.

MOTION TO REDACT ADDITIONAL INFORMATION

Following the filing of a Notice of Intent to Redact, within 21 calendar days from the filing of the transcript, the attorney/party seeking to redact information other than that which is dictated by Fed. R. Civ. P. 5.2 or Fed. R. Crim. P. 49.1, must file a Motion to Redact Additional Information. The Motion to Redact Additional Information must include the document number of the transcript, the page and line numbers for the information to be redacted, the requested redaction language, and reason(s) in support of the redaction. Unless the attorney/party is filing the motion as a sealed document pursuant to LR 3.9, it should not contain the full, un-redacted language which is the subject of the motion. The attorney/party must also serve a copy of the Motion to Redact Additional Information on the court reporter or transcriber, evidenced by a Certificate of Service to be filed with the Court.

FILING OF A REDACTED TRANSCRIPT FOLLOWING A RULING GRANTING A MOTION TO REDACT ADDITIONAL INFORMATION

Upon order of the Court granting a Motion to Redact Additional Information, a redacted transcript is to be filed by the court reporter or transcriber within 31 calendar days, or longer if so ordered by the Court, from the filing of the original transcript. Staff court reporters will be given access filing privileges within CM/ECF in order to electronically file their redacted

transcripts. Redacted transcripts created by non-staff court reporters will be filed by presentation to the Clerk's Office of a CD-R disk that contains a PDF version of the redacted transcript and attached to a cover document that will include the case caption and original signature of the court reporter or transcriber. The Clerk will electronically upload the redacted transcript and cover document into CM/ECF as a restricted access document.

FAILURE TO FILE A STATEMENT OF REDACTION OR MOTION TO REDACT ADDITIONAL INFORMATION

After a Notice of Intent to Redact is filed, if the attorney/party fails to file a corresponding Statement of Redaction, Motion to Redact Additional Information, or Motion for Extension of Time within the requisite 21 calendar day period, the Court may enter an Order to Show Cause why the Notice of Intent to Redact should not be stricken. Alternatively, the attorney/party should file a Withdrawal of Notice of Intent to Redact if no redaction is needed.

REMOTE PUBLIC ELECTRONIC ACCESS TO REDACTED TRANSCRIPTS

The electronically filed redacted transcript receives the deadlines associated with the un-redacted transcript. The restricted access level associated with the redacted transcript will not be lifted thus making the redacted transcript generally unavailable by remote electronic access, until the expiration of the 90 day redaction period which was set by the filing of the original transcript, or upon further order of the Court extending that period.

EXPIRATION OF 90 DAY REDACTION PERIOD

Unless redacted or otherwise restricted from remote public electronic access by these procedures or other order of the Court, after the expiration of the 90 day redaction period, the restricted access level on any transcript originally filed with the Clerk of Court will be lifted without further notice, and the transcript will be generally available by remote electronic access on the CM/ECF system through PACER. Following redaction of a transcript, and pursuant to these procedures, unless further redacted or otherwise restricted from remote public electronic access by these procedures or other order of the Court, after expiration of the 90 day redaction period, the restricted access level on any redacted transcript will be lifted without further notice, and the redacted transcript will be generally available by remote electronic access on the CM/ECF system through PACER, and access to the original, un-redacted transcript will remain restricted.

TRANSCRIPT COPY FEES

Requests for a copy of a transcript during its 90 day redaction period are to be forwarded to the court reporter. Unless otherwise ordered by the Court, the Clerk's Office is prohibited from making copies of the transcript for purchase during the 90 day period. Thereafter, unless otherwise restricted from remote public electronic access by these procedures or other order of the Court, the transcript may be printed for sale at the courthouse intake counter or for printing at the courthouse public terminal printers (where available) pursuant to the costs established on the Schedule of Fees, EPA and/or through PACER. Users viewing the transcript through PACER will incur PACER charges for each time the transcript is accessed even if he/she has purchased it from the court reporter or transcriber. Additionally, because the 30 page document cap does not apply to transcripts, PACER charges will accrue for the entire number of pages contained in the transcript.